

## UNITED STATES DISTRICT COURT

for the

MIDDLE District of ALABAMA

United States of America )

v. )

WILMONT TIMOTHY BARNETT )

Case No: 2:06cr169-015-WKW

USM No: 12129-002

Date of Previous Judgment: 2/6/08 )

Jay Lewis

(Use Date of Last Amended Judgment if Applicable) )

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain): The defendant's guideline sentence was based on his Career Offender status, not the type and amount of drug distributed; therefore, he is not eligible for a reduction.

## III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 2/6/08 shall remain in effect.

IT IS SO ORDERED.

Order Date: \_\_\_\_\_

August 21, 2008



Judge's signature

Effective Date: \_\_\_\_\_

(if different from order date)

W. KEITH WATKINS, U.S. DISTRICT JUDGE

Printed name and title